

DETAILED ACTION

1. This office action is in response to reconsideration filed 7/14/2009, the reconsideration has been considered. Claims 1-20 and 23 are pending are pending for examination, the rejection cited as stated below.

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive. In the remarks, applicant argued in substance that

(a) (on page 2 with respect to interview request) applicant requests an interview based on the assertion that the outstanding office action repeats the previous reasons of the rejection;

(b) (on page 2-3 with respect to claim 1) that Maciulewicz does not teach "configuration data";

(c) (on pages 3-4 with respect to claim 1) that Paul fails to teach "each controller device is adapted to transmit a configuration data request if not configured to perform its appointed role";

(d) (on page 4 with respect to claim 1) that Paul fails to teach "the configuration data request containing data that indicates at least one of the type and the functionality of the controller device requiring the configuration data" because "TCP/IP is not a functionality" and "the NAS device needs to send or receive information pertaining to its functionality".

As to point (a), the examiner disagrees. The outstanding office action referred to by the applicant (dated 4/14/2009) detailed the reasons of rejections for the amended claims; additional citation/clarification were set forth in rejecting the newly added limitations (for example, page 4 in rejecting to claim 1); all applicant's arguments were responded to by the examiner by further

clarifications in the rejection sections as well. However, the examiner granted the applicant an interview anyway on 9/17/2009 to discuss the claim interpretation (see interview summary attached).

As to point (b), as cited and clarified in the prior office action page 3, in response to the applicant's arguments presented (dated 2/25/2009) before the prior Office action (dated 4/14/2009), Maciulewicz discloses configuration data (col. 1, lines 51-67, "master controller...broadcast **control information** to its respective zone controllers...respond to any messages that may be provided to it from any device within the HVAC communication system...**a specific change that may need to be made to the operating parameters of zone controller**"). It is clear to an ordinary skilled in the art that such a teaching discloses "configuration data" as claimed, using broad interpretation.

As to point (c), as cited and clarified already in the prior office action, page 4, paragraph 2, that Maciulewicz in view of Paul teaches this limitation.

As to point (d), Maciulewicz in view of Paul teaches this limitation (see citations in the prior office action, page 4, paragraph 2 where "NAS device" is a type). Since the claimed limitations reads "**at least one of** the type and the functionality...", the reference cited reads on the limitation claimed. Applicant's argument regarding "the NAS device needs to send or receive information pertaining to its functionality" is not in claimed language therefore is not considered by the examiner.

Any remark regarding limitations not claimed is not being considered by examiner.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-3, 5-13, 15-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maciulewicz (US patent 5751572), in view of Paul (US patent 6687817).

Maciulewicz and Paul have been previously cited in the prior Office Action. The citations applicable are hereby incorporated by reference.

5. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maciulewicz in view of Paul, as applied to claim 1 and 11, and further in view of Donahue et al (US patent 7313606).

Maciulewicz, Paul, and Donahue have been previously cited in the prior Office Action. The citations applicable are hereby incorporated by reference.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUA FAN whose telephone number is (571)270-5311. The examiner can normally be reached on M-F 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. F./
Examiner, Art Unit 2456

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456